FARAD CONTINUATION SHEET NO.:

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE

Cri.Writ Petition No.2557 of 2005

(Mr Dhananjay Chowgule & Irs Vs. State of Mah & Anr.)

Office Notes, Office Memoranda of coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr Nitin Pradhan, i/b M/s A.S.Dayal & Associate, for the petitioners.

Mrs M.H.Mhatre, APP for the respondent.

CORAM: D.B.BHOSALE,J.
DATED: 20.06.2006

P.C.:

Heard the learned counsel for the petitioners and the learned APP for the respondent.

This petition is directed against the order of issue of process dated 28.4.2005 against the petitioners under sections 323, 504,506 r/w 34 of IPC. The petitioners have approached this Court directly without exhausting an efficacious remedy of revision available under section 397 of the Code of Criminal Procedure before the Sessions Court against the impugned order. This Court in **V.K.Jain and others Vs Pratap V Padode and Anr, 2005 (3) Mh.L.J.778,** while dealing with

similar petition considered several judgments of the Apex Court and has held that the order of issue of process is not an interlocutory order and hence the revision against such order is maintainable. In the circumstances, this petition is disposed of with liberty to the petitioners to file revision before the appropriate Court against the order impugned in the instant petition, within two weeks from today. If such revision is filed same may be considered in accordance with law.

All contentions are left open.

(D.B.BHOSALE,J.)